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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/788,402
Filing Date: February 21, 2001
Appellant(s): BRONDRUP, RAYNER

Joseph S. Presta
Reg. No. 35,329
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/13/2006 appealing from the Office action

mailed 6/23/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of Claims 21, 24-27, 30, and 31 contained in the brief is correct.

However, the Status of Claims 22, 23, 28, and 29 is incorrect. After further consideration by the Examiner, the rejections of Claims 22, 23, 28, and 29 is withdrawn and considered allowable over the sited prior art.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct for Claims 21, 24-27, 30, and 31.

However, after further consideration by the Examiner, the rejections of Claims 22, 23,

28, and 29 are withdrawn and considered allowable over the sited prior art.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

    obviousness rejections set forth in this Office action:

    (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
    in section 102 of this title, if the differences between the subject matter sought to be patented and the
    prior art are such that the subject matter as a whole would have been obvious at the time the invention
    was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
    shall not be negatived by the manner in which the invention was made.

2. **Claims 21, 24, 25, 27, 30, and 31 are rejected under 35 U.S.C. 103(a) as being**

    unpatentable over DeLorme et al. (US 5,948,040) in view of Pinzon (US 6,161,005),

and further in view of Worcester (Worcester, Barbara A, "Online locks may set

trend toward real-time security," Hotel & Motel Management, v213n3, pp: 53-54,

February 16, 1998).

3. As per independent Claims 21 and 27, DeLorme discloses a method for providing automatic wireless hotel facility reservation and-or check-in and room access control in a system comprising a communication network interconnecting a telecommunication system adapted to communicate wirelessly with a wireless telecommunication device of a wireless terminal of a user and a computerized reservation/IT system associated with a facility (Abstract, Fig 4, Fig. 9B, C8 L33-65, C16 L32-59, C79 L63-67, C80 L1-38).

4. Furthermore, DeLorme discloses communicating electronic output to a wireless device, to include the method comprising: automatically generating electronic output upon receiving from the wireless terminal a <u>hotel</u> reservation and/or check-in request, automatically and wirelessly communicating a copy of the electronic output from the computerized reservation/IT system to the wireless terminal that originated the reservation and/or check-in request (C12 L36-45); however, DeLorme fails to expressly disclose wherein said computerized reservation/IT system includes a means for electronic communication with a remotely operable door lock of the facility, said remotely operable door lock including a lock device and a first wireless device operationally associated with the lock device and adapted to communicate wirelessly with a second wireless device of the wireless terminal, said wireless terminal including the wireless telecommunication means arranged in communication with the second wireless communication device; the method comprising: automatically generating an electronic key, automatically and

wirelessly communicating a copy of the electronic key from the IT system to the wireless

terminal that originated the reservation and/or check-in request, and automatically and

wirelessly obtaining by the remotely operable door lock, without the user of the wireless

terminal having to press a button, a copy of the electronic key from the wireless terminal

if the second wireless device and the first wireless device are mutually in-range, and

automatically actuating by the remotely operable door lock the lock device to enable the

user to access the hotel room if the copy of the electronic key obtained from the wireless

terminal corresponds to the information received from the IT system.

5. Pinzon teaches an IT system, including a means for electronic communication with a

remotely operable door lock of the facility (hotel: C2 L61-65), said remotely operable

door lock including a lock device and a first wireless device operationally associated with

the lock device and adapted to communicate wirelessly with a second wireless device of

the wireless terminal (Abstract, Figs.1-4, C2 L38-65), said wireless terminal including

the wireless telecommunication means arranged in communication with the second

wireless communication device; the method comprising: automatically generating in the

computerized IT system an electronic key, automatically and wirelessly communicating a

copy of the electronic key from the computerized IT system to the wireless terminal (web

enabled cell-phone) that originated the request, and automatically and wirelessly

obtaining the remotely operable door lock, without the user of the wireless terminal

having to press a button (preset activation within range: C3 L35-46, proximity: C5 L19-

22), a copy of the electronic key from the wireless terminal if the second wireless device

and the first wireless device are mutually in-range, and automatically actuating by the

remotely operable door lock the lock device <u>to enable the user to access the hotel room</u>

(C2 L61-65) if the copy of the electronic key obtained from the wireless terminal

corresponds to the information received from the computerized IT system (C2 L38-65,

C3 L35-46).

6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein said computerized reservation/IT system

includes a means for electronic communication with a remotely operable door lock of the

facility, said remotely operable door lock including a lock device and a first wireless

device operationally associated with the lock device and adapted to communicate

wirelessly with a second wireless device of the wireless terminal, said wireless terminal

including the wireless telecommunication means arranged in communication with the

second wireless communication device; the method comprising: automatically generating

an electronic key, automatically and wirelessly communicating a copy of the electronic

key from the IT system to the wireless terminal that originated the request, and

automatically and wirelessly obtaining the remotely operable door lock, without the user

of the wireless terminal having to press a button, a copy of the electronic key from the

wireless terminal if the second wireless device and the first wireless device are mutually

in-range, and automatically actuating by the remotely operable door lock the lock device

if the copy of the electronic key obtained from the wireless terminal corresponds to the

information received from the IT system, as disclosed by Pinzon in the system disclosed

by DeLorme, for the advantage of providing a system (method) for providing automatic

wireless hotel facility reservation and-or check-in and room access control, with the

ability to increase customer service and satisfaction by offering express/direct room

access after a reservation has been confirmed and paid, through the use of mobile

technology (Pinzon: C3 L47-53).

7. Although Pinzon does disclose programming a hotel room (C2 L61-65) door with coded

information through a wireless of wired terminal (off-line system), DeLorme and Pinzon

fail to expressly disclose automatically and electronically communicating from the IT

system to the remotely operable door lock information corresponding to the electronic

key (on-line system).

8. Worcester discloses the use of an online system (or the conversion of an off-line system

to an on-line system) for hotel door security and lock management (Worcester, Barbara

A, "Online locks may set trend toward real-time security," Hotel & Motel Management,

v213n3, pp: 53-54, February 16, 1998).

9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included automatically and electronically communicating

from the IT system to the remotely operable (hotel room) door lock information

corresponding to the electronic key (on-line system), wherein the door lock is associated

with a hotel room assigned to the user in response to the reservation and/or check-in

request, as disclosed by Worcester, in the system disclosed by Pinzon, in the system

disclosed by DeLorme, for the advantage of providing a system (method) for providing

automatic wireless hotel facility reservation and-or check-in and room access control,

with the ability to increase system effectiveness and efficiency by allowing direct (online)

communication between all terminals (doors) and the central security intelligence center

(Worcester, Barbara A, "Online locks may set trend toward real-time security," Hotel &

Motel Management, v213n3, pp: 53-54, February 16, 1998).

10. As per Claims 24 and 30, DeLorme, Pinzon, and Worcester disclose communicating the

reservation and/or check-in request by means of WAP (WML/WML Script), a web

application (HTML/Java Script) or a Java Application/Applet (Inherent to the system

disclosed by DeLorme in view of Pinzon).

11. As per Claims 25 and 31, DeLorme, Pinzon, and Worcester disclose encrypting by the

computerized reservation/IT system the electronic key before communicating the

electronic key to the wireless terminal.

12. **<u>Claim 26</u> is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in

view of Pinzon, in view of Worcester, and further in view of Martin et al. (US 5,979,

754).**

13. As per Claim 26, While DeLorme, Pinzon, and Worcester do disclose a computerized

reservation/IT system which can be accessed through the use of wireless terminals,

DeLorme, Pinzon, and Worcester fail to disclose wherein the system is responsive to a

check-out request received from the a terminal and arranged to act thereupon by

communicating to the corresponding remotely operable door lock an invalidation

command in respect of the information corresponding to the electronic key.

14. However, Martin discloses a computerized reservation/IT system wherein the system is

responsive to a check-out request received from the a terminal and arranged to act

thereupon by communicating to the corresponding remotely operable door lock an

invalidation command in respect of the information corresponding to the electronic key (abstract, C12 L42-45).

15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the system is responsive to a check-out request received from the a terminal and arranged to act thereupon by communicating to the corresponding remotely operable door lock an invalidation command in respect of the information corresponding to the electronic key, as disclosed by Martin, in the system disclosed by Worcester, in the system disclosed by Pinzon, in the system disclosed by DeLorme, for the advantage of providing a system (method) a method for providing automatic wireless hotel facility reservation and-or check-in and room access control, with the ability to increase customer service and satisfaction by offering express check-in/check-out service, through the use of mobile technology (Martin: C3 L62-66).

(10) Response to Argument

1. As per Claim 21, the Appellant has made the argument that the sited prior art of DeLorme et al. (US 5,948,040) in view of Pinzon (US 6,161,005), and further in view of Worcester (Worcester, Barbara A, "Online locks may set trend toward real-time security," Hotel & Motel Management, v213n3, pp: 53-54, February 16, 1998) do not separately disclose the claimed invention, and that there is no motivation or suggestion to combine the sited references.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is

some teaching, suggestion, or motivation to do so found either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art. See

In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958

F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

4. In this case, Delorme discloses a system for providing travel-based information

(reservations, tickets, etc.) to a user's mobile device (smart phone, PDA). Delorme also

discloses providing data output to a user based on the requested travel-information

(electronic tickets).

5. Furthermore, Pinzon discloses the ability to send data to a user's mobile device (smart

phone, PDA), in the form of an electronic room key; operable with hotel door locks (to

include proximity unlocking capability).

6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to include electronic key information in the data output disclosed by

Delorme disclosed, for the purpose of increasing system effectiveness by incorporating a

plurality of electronic travel-related entrance data (electronic keys/ electronic tickets).

16. Furthermore, Pinzon discloses programming a hotel room (C2 L61-65) door with coded

information through a wireless of wired terminal (off-line system), and Worcester

discloses the use of an online system (or the conversion of an off-line system to an on-line system) for hotel door security and lock management (Worcester, Barbara A, "Online locks may set trend toward real-time security," Hotel & Motel Management, v213n3, pp: 53-54, February 16, 1998). The type of door lock (wireless or card-based), would not interfere with the conversion of the off-line system to an on-line system for the purposes of changing lock codes, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an on-line system for controlling the door lock information corresponding to the electronic key, for the advantage of providing a system (method) for providing automatic wireless hotel facility reservation and-or check-in and room access control, with the ability to increase system effectiveness and efficiency by allowing direct (online) communication between all terminals (doors) and the central security intelligence center (Worcester, Barbara A, "Online locks may set trend toward real-time security," Hotel & Motel Management, v213n3, pp: 53-54, February 16, 1998).

17. As per Claims 22 and 23, the Appellant's arguments are moot, as the rejections of Claims 22 and 23 has been withdrawn, after further consideration by the Examiner.

18. As per Claim 26, the Appellant has made the argument that the sited prior art of DeLorme in view of Pinzon, and further in view of Martin et al. (US 5,979, 754), does not relate to the claimed invention because the system disclosed by Martin discloses a door control apparatus which employs a card reader as part of the door control unit for reading an entry card.

19. However, the Martin reference is meant to show that the on-line lock programming technology was well known an used in the Hotel/travel industry at the time the invention was made, and the type of lock (card or wireless) would be non-functional descriptive material, as the technology involved in changing the locking codes within the door locking apparatus would be the same, regardless of the tools used to open the lock.

20. Furthermore, the same arguments hold true, for the combination of the DeLorme, Pinzon, and Martin as explained for the combination of the DeLorme, Pinzon, and Worcester references above. DeLorme and Pinzon both deal with providing mobile users with travel related data/functionality, and Pinzon, Martin/Worcester both deal with programming door lock hardware. One of ordinary skill in the are would be motivated to combine Pinzon with DeLorme for the purpose of increasing system (method) effectiveness (customer service) by providing the mobile user with a plurality of electronic travel-related data, to include a plurality of entrance data (electronic keys/ electronic tickets). One of ordinary skill in the are would be motivated to combine Martin/Worcester with DeLorme/Pinzon for the advantage of providing a system (method) for providing automatic wireless hotel facility reservation and-or check-in and room access control, with the ability to increase system effectiveness and efficiency by allowing direct (online) communication between all terminals (doors) and the central security intelligence center.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this examiner's answer.
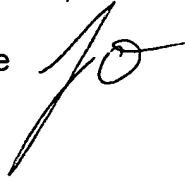
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jonathan Ouellette

April 26, 2006

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